

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO AMEND SECTION 10-11 OF THE YORK COUNTY CODE, REGULATED LAND-DISTURBING ACTIVITIES; CONTENTS, SUBMISSION AND APPROVAL OF PLANS, TO BRING IT INTO CONFORMANCE WITH STATE CODE

BE IT ORDAINED by the York County Board of Supervisors, this ____ day of ____, 2003, that section 10-11, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 10-11. Regulated land-disturbing activities; contents, submission and approval of plans

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the County Department of Environmental and Development Services an erosion and sediment control plan ("plan") for the land-disturbing activity and such plan has been approved by the plan-approving authority.

Where land-disturbing activities involve lands under the jurisdiction of more than one local erosion and sediment control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Virginia Soil and Water Conservation Board for review and approval rather than to each jurisdiction concerned.

Where the land-disturbing activity results from the construction of a single-family detached dwelling, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

- (b) The standards contained within the Virginia Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by these same standards, regulations and guidelines. When the standards vary between the publications, the Virginia Erosion and Sediment Control Regulations shall take precedence. In addition to the above standards, the following requirements shall be met for plan submissions:
- (1) A minimum of four copies of the erosion and sediment control plan shall be submitted for review and approval.
 - (2) Plan sheet size shall be 24 inches by 36 inches.
 - (3) Plans shall be prepared to an appropriate engineer's scale and the scale shall be shown on the plan. Scale shall be no smaller than one inch equal to 100 feet.
 - (4) The name of the project, the developer, the owner of the property and the name, address, and telephone number of the person or firm preparing the plan shall be listed on the plan.
 - (5) The location and extent of any transitional buffers, infiltration yards, environmental management areas (includes Chesapeake Bay preservation areas), floodplain management areas, historic resources management areas, tourist corridor management areas or watershed management and protection areas that may be required by the application of chapter 24.1 (zoning ordinance) of this code shall be shown on the plan.
 - (6) The location, type, extent, owner's name and recordation information of any existing or proposed landscape, conservation, preservation, drainage, utility, ingress/egress or similar easements on the subject property or adjoining the property shall be shown on the plan.
 - (7) Trees proposed for preservation, their approximate drip line and the location, type and extent of tree protection devices and measures to assure preservation during clearing and subsequent development activity shall be shown on the plan.

- (8) The sequence of construction outlining the installation and removal of erosion and sediment control measures in relationship to the development of the site shall be on the plan.
- (9) An itemized cost estimate detailing the expected total construction costs of all erosion and sediment control measures associated with the plan shall be prepared and submitted along with the plan.
- ~~(10) Consistent with Code of Virginia section 10.1-563(B), as a prerequisite to approval of an application, the person responsible for implementing the erosion and sediment control plan shall provide the name of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land disturbing activity in accordance with the approved plan.~~
- (c) The plan-approving authority shall, within 45 days, approve any such plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance.
- (d) The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- (e) Consistent with Code of Virginia section 10.1-563(B), as a prerequisite to engaging in any land-disturbing activities as shown on an approved plan, the person responsible for implementing the erosion and sediment control plan shall provide the name of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land disturbing activity in accordance with the approved plan. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.

- (ef) An approved plan may be changed by the plan-approving authority when:
 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be

effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

- (fg) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- (gh) Consistent with Code of Virginia section 10.1-563(D), electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies or railroad companies shall file general erosion and sediment control specifications annually with the Virginia Soil and Water Conservation Board for review and approval. The specifications shall apply to:
 - (1) Construction, installation and maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual County approval of separate projects as described in (1) and (2), above, shall not be required provided that Virginia Soil and Water Conservation Board approved specifications are followed. Projects not described in (1) and (2) above shall comply with the requirements of this ordinance.

- (hi) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, section 10.1-564.